



The Dow Chemical Company
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Philadelphia, PA 19106-2399
U.S.A.

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June 3, 2011

Via Federal Express, Overnight

William J. Reilly, Jr.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007-1866

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**Re: Response to Request for Information Pursuant to Section 104(e) of CERCLA for
Riverside Avenue Site, Newark, Essex County, New Jersey**

Dear Mr. Reilly:

The Dow Chemical Company ("TDCC") ("Respondent") hereby submits this Response to the Request for Information ("RFI") dated April 8, 2011 from the United States Environmental Protection Agency ("EPA") concerning the Riverside Avenue Site (the "Site"). TDCC appreciates the Agency's prior grant of an extension of time to respond to the request.

Respondent reserves the right to supplement this response should any additional responsive information be discovered. Respondent has endeavored to answer the questions in EPA's letter to the fullest extent reasonably possible. The enclosed information is being provided in an effort to cooperate with EPA, without admitting or acknowledging that EPA has the authority to require production of the information requested, or that the statutory authority asserted in the information request is applicable. Additionally, nothing in this response should be construed as an admission of any liability or responsibility on the part of Respondent regarding any costs incurred by EPA or any other party relating to the Site. Respondent reserves all defenses and rights available to it under the law.

Respondent has a policy and well-documented history of cooperation with federal, state, and local environmental authorities. It intends to cooperate, likewise, with respect to the instant Request. The extremely broad scope of the Request, however, compels Respondent to raise objections to the Request, both general and specific. In so doing, Respondent does not intend to diminish the seriousness of purpose with which it has investigated matters implicated by the Request or with which it has assembled this response. Respondent is not prepared; however, to undertake the

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overly broad and onerous burden demanded by the Request where that burden is not reasonably calculated to lead to pertinent or responsive information regarding the Riverside Avenue Site.

General Objections

Respondent asserts the following General Objections to the Request, which General Objections are hereby incorporated in each and every response of Respondent to individual questions below. To the extent Respondent responds to questions to which it objects, such objections are not waived by the furnishing or providing of information.

1. Respondent objects to the Request to the extent the Request exceeds the scope of EPA's authority under the statutory references cited in the Request.
2. Respondent objects to the Request as overly broad and unduly burdensome. The Request seeks information that is irrelevant and/or has no relation to the Site or relevance to this inquiry including detailed information and documents regarding operations, products and wastes even where no connection to the Site appears to exist. Further, Respondent objects to the Request because the Request seeks information regarding activities at a level of detail that is impossible to provide without extreme burden and oppression, if at all. The burden on Respondent is enhanced because many of the events and circumstances that appear to be at issue took place decades ago. With the passage of time, complete records may no longer exist, relevant witnesses with firsthand knowledge are now deceased, memories have faded, and any attempt to recreate history often presents an insurmountable challenge and an undue burden.
3. Respondent objects to the Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, and any other legally cognizable privilege. Respondent further objects to the Request to the extent it dictates the manner in which those privileges are to be asserted.
4. Respondent objects to the Request to the extent that it seeks information in the possession, custody, or control of EPA, or any other local, state, or federal governmental authority. Respondent further objects to the Request to the extent that it seeks information that is a matter of public record.
5. Respondent objects to the Request to the extent that it seeks information outside of Respondent's possession, custody or control.

Response of The Dow Chemical Company

1. Answer the following questions regarding your Company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your Company did business under more than one name, list each name.

- a. State the correct legal name and mailing address of your Company.

The Dow Chemical Company
2030 Dow Center
Midland, MI 48674

- b. State the name and address of the president or the chairman of the board, or other presiding officers of your Company.

Andrew N. Liveris
President and Chairman of the Board
2030 Dow Center
Midland, MI 48674

- c. Identify the State and year of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New Jersey.

TDCC was incorporated in Delaware in 1947.

TDCC's agent for service of process in Delaware is:

Corporation Trust Center
1209 Orange Street
Wilmington DE 19801

TDCC's agent for service of process in New Jersey is:

The Corporation Trust Company
820 Bear Tavern Road
West Trenton, NJ 08628

- d. If your Company is a subsidiary or affiliate of another Company, or has subsidiaries, or is a successor to another Company, identify these related companies. For each related Company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.

TDCC is not a subsidiary or affiliate of any company. A copy of TDCC's Form 10-K, which includes a list of all related companies of TDCC, is available via the internet at the following site:

<http://phx.corporate-ir.net/phoenix.zhtml?c=80099&p=irol-SECText&TEXT=aHR0cDovL2lyLmludC53ZXN0bGF3YnVzaW5lc3MuY29tL2RvY3VtZW50L3YxLzAwMDExOTMxMjUtMTETMDQwMDIzL3htbA%3d%3d>

- 2.a. During the period from January 1, 1970 to December 31, 1999, did your Company ever

enter into any transaction(s), including any contract(s), with any of the following persons/companies pursuant to which your Company provided any drums, containers or industrial waste to any of the persons/companies named below? (Please provide a Yes or No answer as to each):

1. Universal International Industries, Inc. – No.
 2. Jobar Industries, Inc. – No.
 3. Jobar Packaging, Inc. – No.
 4. Frey Industries, Inc. – No.
 5. Mr. Tilghman Frey – No.
- 2.b. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any industrial waste from any facility which was ever owned or operated by your Company? (Please provide a Yes or No answer as to each company below):
1. Universal International Industries, Inc. – No.
 2. Jobar Industries, Inc. – No.
 3. Jobar Packaging, Inc. – No.
 4. Frey Industries, Inc. – No.
- 2.c. During the period from January 1, 1970 to December 31, 1999, did any of the following companies ever remove any drums or containers having in it any product, off-spec product or any liquids, solids or sludges from any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):
1. Universal International Industries, Inc. – No.
 2. Jobar Industries, Inc. – No.
 3. Jobar Packaging, Inc. – No.
 4. Frey Industries, Inc. – No.
- 2.d. During the period from January 1, 1970 to December 31, 1999, did your Company ever arrange with any of the following companies to remove or receive or store i) any drums, packages, tanks or containers or ii) any product or off-spec product or iii) liquids, solids or sludges that originated at any facility which was owned or operated by your Company? (Please provide a Yes or No answer as to each company below):
1. Universal International Industries, Inc. – No.
 2. Jobar Industries, Inc. – No.
 3. Jobar Packaging, Inc. – No.
 4. Frey Industries, Inc. – No.

For every Yes answer provided in response to question noted in 2.c. through 2.d., above, provide the basis for responding Yes to the question and the following, as applicable: a) the times, dates and facilities and person(s) involved and b) the nature, quantity and chemical composition of the

material which was transported from your Company to the Site.

3. Do you have any reason to believe that any of the following may have been transported from any facility which was ever owned and/or operated by your Company and later taken to the Site:
- a. any hazardous substance? – No.
 - b. any liquids, solids or sludge? – No.
 - c. any solid waste of any type? – No.
 - d. anything which was to be stored or treated and later returned to your Company? – No.
 - e. any product or off-spec product which was to be treated and later returned to your Company or shipped to a third party on behalf of your Company? – No.
 - f. any containers, regardless of contents or lack thereof? – No.
 - g. any drums, regardless of contents, or lack thereof? – No.

Please provide a separate Yes or No answer to questions 3.a. through 3.g, above. For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

4. Do you have any reason to believe that any of the following companies may have taken any industrial waste or any hazardous substance from any facility which was ever owned and/or operated by your Company and that such industrial waste or hazardous substance may have been transported to and/or disposed of at the Site:
- a. Universal International Industries, Inc. – No.
 - b. Jobar Industries, Inc. – No.
 - c. Jobar Packaging, Inc. – No.
 - d. Frey Industries, Inc. – No.

Please provide a separate Yes or No answer to each of the items, 4.a through 4.d, above. For each Yes answer, please provide the specific basis for your answer, including the materials that you believe may have been transported from your Company to the Site, including chemical characterization, quantities (by volume and/or weight), number of drums or containers etc., the facility from which the material was removed, the hazardous substances in such materials, the personnel and/or haulers involved in each such shipment, the dates of such shipments and all records relating to such shipments.

5. Do you have any reason to believe that any materials, including any hazardous substances, or any drum or containers of any type may have been removed from any facility which was ever owned and or operated by your Company and transported to and/or disposed of at the Site?

Response: Respondent was unable to locate any documents or information responsive to this

request.

6. Identify each individual who assisted or was consulted or who answered on your behalf or on behalf of the Company in the preparation of its response to this Request for Information and specify the question with which each person assisted in responding.

Shannon Slowey, Attorney, prepared this response. Tina Dittenber, Senior Paralegal was responsible for coordinating the search for responsive documents and records. Ms. Dittenber conducted the search regarding responses to questions 1 through 5 and contacted Shawna Radosa, System Administrator, or the Records Center, seeking information responsive to this Request. Other than the scope of this investigation, including a document search, these individuals have no personal knowledge of the information provided. These individuals can be contacted through Shannon Slowey, Attorney, 215-592-3404, 100 Independence Mall West, Philadelphia, PA 19106.

B. Request for Records:

7. Please provide copies of all the following which are in the custody or control or your Company:
 - a. Every record indicating any transaction, communication, or business dealing with Mr. Tilghman Frey. **Response:** Respondent did not identify any documents responsive to this request.
 - b. Every record indicating any transaction, communication, or business dealing of any type with Frey Industries, Inc. **Response:** Respondent did not identify any documents responsive to this request.
 - c. Every record indicating any transaction, communication, or business dealing of any type with Jobar Industries, Inc. **Response:** Respondent did not identify any documents responsive to this request.
 - d. Every record indicating any transaction, communication, or business dealing or any type with Universal International Industries, Inc. **Response:** Respondent did not identify any documents responsive to this request.
 - e. Every record indicating any transaction, communication, or business dealing of any type with Riverside Avenue Properties. **Response:** Respondent did not identify any documents responsive to this request.
 - f. Every record indicating any transaction, communication, or business dealing of any type with Merit Enterprises, Inc. **Response:** Respondent did not identify any documents responsive to this request.
 - g. Every record indicating any transaction, communication or business dealing of any type with Industrial Development Corporation. **Response:** Respondent did not identify any documents responsive to this request.
 - h. Every record indicating any transaction, communication, or business dealing of any type with Industrial Development Association. **Response:** Respondent did not identify any documents responsive to this request.
 - i. Every record relating to any drums, containers, or waste material that your Company has

any reason to believe may have been taken by anyone (during the time period from January 1, 1970 to December 31, 1990) from any facility that your company ever owned or operated which later entered the Site. **Response:** Respondent did not identify any documents responsive to this request.

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Following receipt of EPA's Request for Information, TDCC conducted a thorough records search. Respondent was unable to find any relevant documents or information regarding the Site or the entities listed in the Request.

Based upon our investigation, there is no indication that TDCC ever had any relationship with the entities listed in the Request or any connection to the Riverside Avenue Site.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Shannon Slowey", with a long horizontal flourish extending to the right.

Shannon Slowey, Esq.
Authorized Representative

Cc: Marissa Truono, Removal Branch, EPA Region II

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Commonwealth of Pennsylvania

County of Philadelphia

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Shannon Slowey

NAME (print or type)

Authorized Representative

TITLE (print or type)

[Signature]
SIGNATURE (print or type)

Sworn to before me this 3rd
day of June, 2011

Donna M. Plasky
Notary Public

